

CLOSED,RULE5

**U.S. District Court
U.S. District of Minnesota (DMN)
CRIMINAL DOCKET FOR CASE #: 0:21-mj-00724-DTS-1
*Internal Use Only***

Case title: USA v. Westbury

Date Filed: 10/04/2021

Date Terminated: 10/04/2021

Assigned to: Magistrate Judge
David T. Schultz

Defendant (1)

Robert Westbury

TERMINATED: 10/04/2021

represented by **Katherian D Roe**

Office of the Federal Defender

300 S 4th St Ste 107

Mpls, MN 55415

612-664-5858

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or Community

Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level

(Terminated)

None

Complaints

18:231

Disposition

Plaintiff

USA

represented by **Benjamin Bejar**

United States Attorney's Office

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Minneapolis, MN 55415

612-664-5694

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Email: benjamin.bejar@usdoj.gov**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Page	Docket Text
10/04/2021			Arrest (Rule 5) of Robert Westbury. (SAE) (Entered: 10/04/2021)
10/04/2021	<u>1</u>		Minute Entry for proceedings held before Magistrate Judge David T. Schultz: Initial Appearance in Rule 5(c) (3) Proceedings as to Robert Westbury held on 10/4/2021. Charges from the District of Columbia. Counsel to be appointed. Personal Recognizance Bond set with conditions, see Order Setting Conditions of Release. Next appearance is October 12, 2021 at 2:00 p.m. Eastern time via video conference with the District of Columbia. Removal hearing waived. Removal Order to be issued. Defendant consents to this hearing via video conference. Government moves to unseal the case. Granted. (SAE) (Entered: 10/04/2021)
10/04/2021	<u>2</u>		ORDER Setting Conditions of Release as to Robert Westbury. Signed by Magistrate Judge David T. Schultz on 10/4/2021. (SAE) (Entered: 10/04/2021)
10/04/2021	<u>3</u>		Personal Recognizance Bond Entered as to Robert Westbury. Signed by Magistrate Judge David T. Schultz on 10/4/2021. (SAE) (Entered: 10/04/2021)
10/04/2021	<u>4</u>		ORDER OF REMOVAL to the District of District of Columbia as to Robert Westbury. Signed by Magistrate Judge David T. Schultz on 10/4/2021. (SAE) (Entered: 10/04/2021)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

INITIAL APPEARANCE - REMOVAL

United States of America,)	COURT MINUTES - CRIMINAL
)	BEFORE: DAVID T. SCHULTZ
Plaintiff,)	U.S. MAGISTRATE JUDGE
v.)	
)	Case No: 21-mj-724 DTS
Robert Westbury,)	Date: October 4, 2021
)	Video Conference
Defendant.)	Time Commenced: 2:22 pm
)	Time Concluded: 2:34 p.m.
)	Time in Court: 12 minutes
)	
)	
)	

APPEARANCES:

Plaintiff: Benjamin Bejar, Assistant U.S. Attorney

Defendant: Keala Ede

☒ FPD

☒ To be appointed

☒ Advised of Rights

on ☒ Indictment

☒ Date charges or violation filed: 9/29/2021

☒ Current Offense: civil disorder; assaulting, resisting, or impeding officers using a dangerous weapon

☒ Charges from other District: District of Columbia

☒ Title and Code of underlying offense from other District: 18:231(a)(3)

☒ Case no: 1:21-cr-605

Personal Recognizance Bond set with conditions, see Order Setting Conditions of Release.

Next appearance date is October 12, 2021 at 2:00 p.m. Eastern time via video conference with the District of Columbia.

☒ Removal hearing waived

☒ Removal Order to be issued

Additional Information:

☒ Defendant consents to this hearing via video conference.

☒ Oral Rule5(f) Brady notice read on the record.

☒ Government moves to unseal the case. ☒ Granted

Signature of Courtroom Deputy s/ JAM

UNITED STATES DISTRICT COURT
for the
District of Minnesota

United States of America,

v.

Robert Westbury
Defendant

Case No. 0864 0:21-00724M-001

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate any federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.¹
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the Court may impose.
The defendant must appear at via Video Conference (Zoom)
on Tuesday October 12, 2021 at 1:00 p.m. CST (2:00 p.m. EST) .

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an appearance bond, if ordered.

¹ The Director of the FBI is required by law to promptly expunge from the index described in 42 USC Section 14132(a), the analysis of the DNA sample collected from this Defendant upon receipt by the Attorney General of a certified copy of a final court order establishing: 1) that no indictment was returned, or 2) that the charges giving rise to this Order Setting Conditions of Release were dismissed, or 3) that Defendant was acquitted of the charges giving rise to this Order setting Conditions of Release. In the event any of the foregoing occur, Defendant or his or her Attorney should submit a proposed Order to the Court specifying which of the foregoing events occurred, and sufficient information regarding his or her identity and the charges giving rise to this Order Setting Conditions of Release to enable the FBI to match the Order to the DNA sample to be expunged. To accomplish the expungement, once the Order is entered, the Defendant or his or her Attorney must send a certified copy of the Order to:

Federal Bureau of Investigation
Laboratory Division
2501 Investigation Parkway
Quantico, VA 22135
Attn: Federal Convicted Offender Program Manager

ADDITIONAL CONDITIONS OF RELEASE

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the Court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of:
 Person or organization _____
 Address (*Only if above is an organization*) _____
 City and State _____
 Tel No. (*if organization*) _____

Who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____
Custodian or Proxy *Date*

- ☒ (7) The defendant must:
- ☒ (a) submit to supervision by and report for supervision to the U.S. Probation and Pretrial Services Office as directed and ensure your supervising officer has a means to reach you.
 - ☐ (b) continue or actively seek employment.
 - ☐ (c) continue or start an education program.
 - ☒ (d) surrender any passport, Green Card, Visa, Advanced Parole Document, Refugee Travel Permit/Reentry Document, or other foreign travel document to Probation and Pretrial Services as directed.
 - ☒ (e) not obtain a passport, Green Card, Visa, Advanced Parole Document, Refugee Travel Permit/Reentry Document, or other foreign travel document.
 - ☒ (f) abide by the following restrictions on personal association, residence, or travel:
Travel shall be restricted to Minnesota unless approved by the supervising officer.
No travel to the District of Columbia unless for Court, Pretrial, or Consultation with Attorney. No travel outside the United States without Court approval.
 - ☐ (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including:

 - ☐ (h) get medical or psychiatric treatment: _____

ADDITIONAL CONDITIONS OF RELEASE

- ☐ (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purpose(s):

- ☐ (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary, and observe the rules and regulations of that facility.
- ☒ (k) not possess a firearm, destructive device, or other weapon.
- ☒ (l) not use alcohol ☐ at all ☒ excessively.
- ☒ (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- ☒ (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
- ☐ (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
- ☐ (p) participate in one of the following location restriction programs and comply with its requirements as directed.
- ☐ (i) **Curfew.** You are restricted to your residence every day
- ☐ from _____ to _____ or
- ☐ as directed by the pretrial services officer, or
- ☐ (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer, or
- ☐ (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lockdown at your residence except for medical necessities and court appearances or other activities specifically approved by the court, or
- ☐ (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court. **Note:** Stand Alone Monitoring is intended to be used in conjunction with Global Positioning System (GPS) technology (*see condition (q)(iii) on next page*).

ADDITIONAL CONDITIONS OF RELEASE

- ☐ (q) submit to the following location monitoring technology, as directed by the supervising officer; and comply with all program requirements and instructions provided.
 - ☐ (i) Voice Recognition; or
 - ☐ (ii) Radio Frequency (RF); or
 - ☐ (iii) Global Positioning System (GPS)
- ☐ (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services office or supervising officer.
- ☒ (s) report within 72 hours to the pretrial services office or supervising officer every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- ☒ (t) reside at an address as approved by the pretrial services office or supervising officer.
- ☐ (u)
- ☐ (v)

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

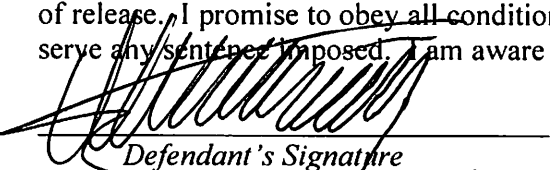
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) An offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) An offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) Any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) A misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.


A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



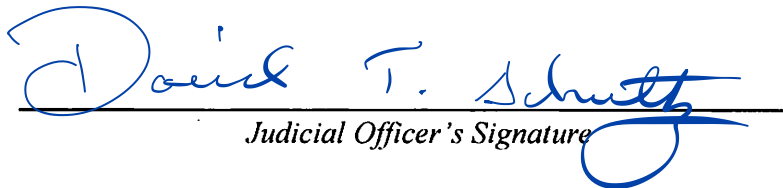
Defendant's Signature



City and State

Directions to the United States Marshal

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.
- ☐ The United States Marshal is ORDERED to keep the defendant in custody until notified by the U.S. Probation and Pretrial Services Office that a halfway house bed is available. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: October 4, 2021
*Judicial Officer's Signature*U.S. Magistrate Judge David T. Schultz
Printed Name and Title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL

UNITED STATES DISTRICT COURT
for the
District of Minnesota

United States of America,

v.

Robert Westbury,
Defendant.

Case No. 0864 0:21-00724M-001

APPEARANCE BOND

Defendant's Agreement

I, Robert Westbury (defendant), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- ☒ to appear for court proceedings;
- ☒ if convicted, to surrender to serve a sentence that the court may impose; or
- ☐ to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- ☒ (1) This is a personal recognizance bond.
- ☐ (2) This is an unsecured bond of \$ 25,000.00.
- ☐ (3) This is a secured bond of \$ _____, secured by:
 - ☐ (a) \$ _____, in cash deposited with the court.
 - ☐ (b) the agreement of the defendant and each surety to forfeit the following cash or other property (*describe the cash or other property, including claims on it—such as a lien, mortgage, or loan—and attach proof of ownership and value*):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.
 - ☐ (c) A bail bond with a solvent surety (*attach a copy of the bail bond, or describe it and identify the surety*):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations


Ownership of the Property. I, the defendant—and each surety—declare under penalty of perjury that:

- (1) All owners of the property securing this appearance bond are included on the bond;
- (2) The property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant—and each surety—have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant—and each surety—declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 10/4/2021


Defendant's signature

Surety/property owner—printed name

Surety/property owner—signature and date

Surety/property owner—printed name

Surety/property owner—signature and date

Surety/property owner—printed name

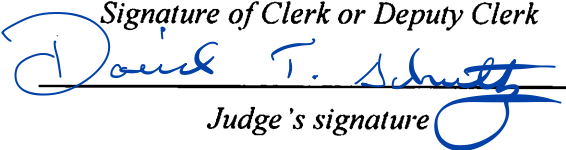
Surety/property owner—signature and date

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Date: October 4, 2021


Judge's signature

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 21-mj-724 DTS

Plaintiff,

v.

ORDER OF REMOVAL

Robert Westbury,

Defendant.

The above captioned case was before the undersigned United States Magistrate Judge on October 4, 2021. Defendant waived the removal hearing.

Based on defendant's waiver, the court finds that the defendant is the same person named in the warrant filed in the District of Columbia, and he is ordered removed to that district for further proceedings.

Dated: October 4, 2021

s/David T. Schultz
David T. Schultz
United States Magistrate Judge